THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.NO.20988 OF 1996

Dt.3.1.2006

Between:

Y.V.Kuchela Rao … Petitioner

And

Executive Director, A.P.S.R.T.C.,

Vizianagaram Zone and 3 others. … Respondents

ORDER:

This writ petition is filed questioning the proceedings No.E1/ 225(23)/96-ED-VZM dt.29.8.1996 as illegal and arbitrary and to direct the respondents to promote the petitioner as Depot Clerk or TTI based on his option letter and in accordance with the proceedings P1/145(6)/93-RM:VZM dt.20.3.1993.

It is the case of the petitioner that he joined in the respondent Corporation on 23.2.1976 as Conductor at Visakhapatnam and thereafter he was transferred to Vizianagaram. The grievance of the petitioner is that while he was working at Vizianagaram in the year 1993, he made a request to the respondents to consider his case for the post of Depot Clerk or TTI, and as his case was not considered, he filed the present writ petition.

A counter affidavit has been filed on behalf of the respondents, wherein at para 3, it is stated, as follows:

> “It is submitted that the willingness of the ADC’s due for promotion to

> effect transfer on promotion to any Unit in Vizianagaram Region in which they are liable for transfer as per the levels of seniority in the category of Depot Clerk/Traffic Inspector Gr.III/Travelling Ticket Inspector was called for because most of the employees in the category of ADC are rejecting promotions which involved transfer, causing much inconvenience to the administration. But the Depot Managers of the region were never instructed to fill up the vacancies of Traffic Inspector Gr.III/Travelling Ticket Inspector/Depot Clerk as it is a Regional level post."

It is further stated that a letter has been issued to all the Depot Managers/Unit Officers concerned to obtain willingness of the ADC/Controllers to effect transfer on promotion in view of the limited number of vacancies and accordingly one D.A. Naidu, who is senior to the petitioner at Sl. No. 21 was promoted as Depot Clerk on 16.11.1993. However, he made a request to cancel the said promotion, and therefore, the same was cancelled on 22.11.1993, and subsequently the petitioner made a request to consider his case for promotion in the said vacancy, but his case could not be considered because by the time the petitioner made request, the respondent Corporation introduced revised norms, fixing the staff ratio, came into force, and according to the said policy, 22 persons were identified as excess. Apart from that, re-organization took place on 20.5.1994 wherein Visakhapatnam region, has been bifurcated, and the petitioner by virtue of his place of posting, belonged to Visakhapatnam region, and therefore, he has to be promoted as and when his turn comes up for consideration in the zone of consideration in the said region. Accordingly, the case of the petitioner cannot be considered for other regions. As some of the juniors of the petitioner in the bifurcation became seniors in the other region, they were promoted, and as of today, none of the juniors to the petitioner in the region in which the petitioner is working, has not been promoted.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Corporation.

Admittedly, the representation of the petitioner dated 16.4.1994 was not considered, and cannot be considered, for the reason by the date the petitioner made his application for promotion, revised norms fixing the cadre strength came into force, and as per the said revised norms, some posts were identified as being in excess of the fixed strength, and they had to be reverted, as such, the petitioner who is junior to the reverted candidates, cannot claim that his case should be considered for promotion. In view of the aforesaid facts and circumstances of the case, no

exception can be taken to the action of the respondents in not considering the case of the petitioner for promotion.

The writ petition is devoid of merits and it is accordingly dismissed. No order as to costs.

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(N.V.RAMANA, J.)

3.1.2006

kpr/grk